

Applicant : Winston I. Way
Serial No.: 09/755,136
Filed : January 8, 2001

Attorney's Docket No.: 14723-004001

REMARKS

This application has been further amended to obviate all rejections and objections raised in the final office action. Reconsideration and allowance of the amended application are respectfully requested.

The Examiner has stated in the final office action that Claim 11 is patentable and allowable but stands rejected due to its dependence on the rejected base Claim 1. Claim 11 has now been amended to include all limitations in the base Claim 1 as an independent claim. As such, Claim 11 as amended is now in a full condition for allowance.

Claim 1 has been canceled to obviate all corresponding rejections.

Dependent Claims 2, 3 and 4 have also been amended as dependent claims of Claim 11. Therefore, amended Claims 2, 3 and 4 are allowable.

Claim 5 is dependent on Claim 4 and therefore is now allowable.

Claims 6-9 are dependent claims of Claim 4. Because Claim 4 is now in a full condition for allowance, Claims 6-9 are also in a full condition for allowance. Applicant recognizes that Claims 6-9 have been withdrawn due to a prior restriction made by the Examiner. However, the above amendments to Claims 11 and

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4 now render Claims 6-9 allowable without requiring further examination. Applicant respectfully requests Claims 6-9 be allowed along with Claims 11 and 4.

Claims 10, and 52-55 have been canceled to obviate all corresponding rejections.

Claims 12-23 have been canceled to obviate all corresponding rejections.

Claims 64 and 67 stand rejected under 35 USC 112, second paragraph, for being indefinite. These rejections, however, are respectfully traversed because Claims 64 and 67 in their current form are definite and patentable.

The final office action contends that the word "new" as used contradicts with the recited "the new WDM channel and the selected WDM channel are at a same WDM channel frequency." This contention is based on an incorrect reading of Claims 64 and 67.

Claim 64 depends on allowed Claim 63. Claim 63 recites, in part, that "separating the received WDM signal into a first optical signal carrying a WDM channel that has label information of the input WDM signal, and a second optical signal which is the optical carrier only, and a third optical signal comprising WDM channels carrying data." Therefore, the second optical signal is a bare optical carrier signal and does not carry any signal bands. As such, after the recited "modulating the second

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optical signal to carry a new WDM channel and a new WDM label channel," the modulated second optical signal carries the new WDM channel at an optical frequency dictated by the manner of the recited "modulating the second optical signal."

Now turning to the recited "selected WDM channel," Claim 63 recites "optically filtering the third optical signal, in response to a control signal generated from the electronic label signal, to produce a filtered third optical signal that carries a selected WDM channel" (emphasis added). This selected WDM channel has two features that are relevant to the rejection. First, the selected WDM channel, when in the optical domain carried by an optical signal, has an optical frequency. Second, the selected WDM channel carries data of a signal channel. Because Claim 63 further states that "converting the filtered third optical signal into an electrical signal to extract data of the selected WDM channel and to make the selected WDM channel available for carrying data," the selected WDM channel has been "dropped" and therefore the modulated second optical signal can use the optical frequency that is previously occupied by the selected WDM channel for the recited "new WDM channel."

In the above context, the selected WDM channel is dropped off during the processing and the frequency occupied by the selected WDM channel becomes available again and open to take a

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new occupant. Therefore, the frequency of the selected WDM channel can be reused for carrying a new signal. Claim 64 simply states that the new WDM channel is that new signal or the new occupant. Therefore, the statement of "the new WDM channel and the selected WDM channel are at a same WDM channel frequency" in Claim 64 is definite.

For the above reason, Claim 64 is patentable and the rejection should be withdrawn.

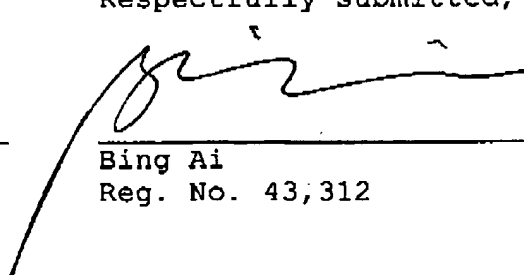
Similarly, the rejection to Claim 67 should also be withdrawn.

In view of the above, all objections and rejections have been fully addressed and resolved. Therefore, the application is now in a full condition for allowance.

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Respectfully submitted,

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